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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

E-FILED - 8/4/05

**C&R FRESH LLC.; HENRY
AVOCADO CORPORATION d/b/a
CUSTOM RIPE AVOCADO
COMPANY ; and ONEONTA
TRADING CORP.,**

Plaintiffs,

VS.

JAVIER VAZQUEZ d/b/a LA
ESPERANZA PRODUCE; and
DAVID B. VAZQUEZ;

Defendants.

Case No.: 5:05-cv-01458-RMW

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE**

PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1)(ii) of the Federal
of Civil Procedure, Plaintiffs, C&R Fresh LLC.; Henry Avocado
Corporation d/b/a Custom Ripe Avocado Company; and Oneonta Trading
, (collectively “Plaintiffs”), by and through their undersigned counsel,
stipulate to the voluntary dismissal with prejudice of the above-entitled

1 action against and Defendants Javier Vazquez d/b/a La Esperanza Produce and
2 David B. Vazquez (collectively "Defendants). Each party is to bear its own
3 attorneys' fees and costs.

4 **ORDER:**

5 Upon execution of this Stipulation by the parties hereto, the above-entitled
6 lawsuit against Defendants, is dismissed with prejudice. Each party is to bear its
7 own attorneys' fees and costs. This case is not closed.

8 **DONE AND ORDERED** in Chambers at San Jose, California this
9 4 day of August, 2005.

10 /s/ Ronald M. Whyte

11 Ronald M. Whyte
United States District Court Judge

12 **STIPULATED BY THE PARTIES:**

13 **MEUERS LAW FIRM, P.L.**

14 
15 By: _____

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